

**AMENDMENT TO AGREEMENT  
FOR CONSULTATION AND OTHER SERVICES**

This Amendment is entered into this 6<sup>th</sup> day of January, 2004, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and GSS Consulting (GSS), (hereafter referred to as "CONSULTANT").

**RECITALS**

WHEREAS, the parties entered into an Agreement for professional consulting for various Capital Improvement Projects, on August 5, 2003; and

WHEREAS, the parties desire to amend the Agreement to allow CONSULTANT to provide professional engineering services necessary to provide consulting services for various Capital Improvement projects.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to amend the Agreement as follows:

1. The second sentence in Section 2, entitled "Term" is not amended.
2. Section 3, entitled "Scope of CONSULTANT'S Duties and Services" is amended by adding Exhibit "AM-1-A", entitled "Scope of Services" and Exhibit "AM-1-C" entitled "Fee Proposal", which is attached hereto and incorporated by reference herein.
3. Section 4, entitled "Payment by CITY: Time and Manner of Payment" is amended to add Exhibit "AM-1-B", entitled 2004 SCHEDULE OF CHARGES FOR CONSULTING SERVICES, which are attached hereto and incorporated by reference herein. Section 4 is further amended by adding the following to the end of the Section:

The compensation for the services set forth in Exhibit "AM-1-A" is a "not to exceed" amount. The total maximum amount of compensation to be paid for tasks outlined in Exhibits "AM-1-A" and "AM-1-C" shall be \$139,300.

4. The Consultant agrees to maintain and pay for all insurance policies as stated in Section 12, entitled "Insurance" of the Agreement dated August 5, 2003, between GSS and the City of Milpitas. The Consultant shall provide the City with renewal certificates of the current policies upon the expiration of the current policy.

5. All other provisions of the Agreement shall remain in full force and effect.

This Amendment is executed as of the date written above.

APPROVED BY:

CITY OF MILPITAS

CONSULTANT

\_\_\_\_\_  
City Engineer as to content

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
City Attorney as to Form

ATTESTED BY:

\_\_\_\_\_  
City Clerk

**EXHIBIT AM-1-A  
SCOPE OF SERVICES**

**SERVICES PROVIDED BY SENIOR PROJECT MANAGER**

**Library Right-of-Way, Project 8154**

Tasks:

- Provide technical support
- Review concepts, plans, documents
- Provide coordination with environmental clearance process
- Prepare or review project documentation
- Participate in project meetings
- Provide project coordination
- Assist with presentations

Total estimated hours: 175

**Library Utilities and Mapping, Project 8153**

Tasks:

- Review concepts, plan, documents
- Provide technical support
- Prepare or review project documentation
- Provide coordination with environmental clearance process
- Participate in project meetings
- Provide project coordination
- Assist with presentations

Total estimated hours: 175

**Main Sewage Pump Station Site Improvements, Project 6079**

Tasks:

- Provide project management
- Administer consultant contract
- Review plans
- Coordinate regulatory compliance
- Manage preparation of bid documents
- Assist with environmental clearance process
- Assist City in securing permits/approvals

Total estimated hours: 175

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### **Berryessa Creek Trail, Reach 3, Project 5074**

#### **Tasks:**

- Provide design phase project management support
- Review project documents
- Assist with regulatory & environmental compliance
- Provide bid phase support
- Assist staff with meeting permit and grant requirements
- Provide coordination support with agencies & stakeholders

Total estimated hours: 60

### **Coyote Creek Trail, Reach 1, Project 4206**

#### **Tasks:**

- Provide project management support
- Provide consultant contract administration support
- Review plans
- Provide assistance with regulatory compliance
- Provide assistance in meeting grant requirements
- Provide assistance in preparation of bid documents
- Assist staff with stakeholder input
- Coordinate with agencies

Total estimated hours: 100

### **Milpitas Sports Center, Project 8149**

#### **Tasks:**

- Provide project management support
- Provide consultant contract administration support
- Review concepts, studies and plans as requested
- Assist in preparation of bid documents
- Assist with environmental clearance process
- Assist City in securing permits/approvals

Total estimated hours: 90

### **Great Mall Parkway Landscaping (Tasman Light Rail Extension), Project 4133**

#### **Tasks:**

- Assist staff in meeting agency requirements
- Assist staff in coordinating stakeholder input
- Provide technical support
- Participate in plan reviews
- Attend project meetings as requested

Total estimated hours: 50

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### SERVICES PROVIDED BY TECHNICAL ASSISTANT

Provide project and technical support to the Engineering Division. Typical tasks include:

- Coordinate Capital Improvement Program (CIP) monthly report document
- Provide project scheduling support for priority projects
- Provide support in developing a master schedule for the citywide CIP program
- Provide support in project resource allocation and resource leveling assessments
- Link project databases to provide management information
- Provide project updates
- Provide project management support
- Review plans, studies and documents as required
- Provide technical assistance as required

Technical support will be provided for the projects noted below.

<u>Project</u>	<u>Estimated Hrs</u>
▪ Library Right-of-Way, Project 8154	50
▪ Library Utilities and Mapping, Project 8153	50
▪ Main Sewage Pump Station Site Improvements, Project 6079	50
▪ Milpitas Sports Center, Project 8149	50
▪ Great Mall Parkway Landscaping, Project 4133	50
▪ Hillside Water System Improvements, Project 7083	50
▪ Pavement Improvement Program, Project 4182	50
▪ Highway 237/880 Interchange, Project 4170	50
▪ Dixon Landing Road/Hwy. 880 Interchange, Project 4047	50
▪ Singley Area Street Rehabilitation, Phase 3, Project 4200	50
▪ Abel Street Improvements, Project 4221	50
▪ Calaveras Railroad Overpass Landscaping, Project 4202	50
▪ Great Mall Parkway/I-880 Capacity Improvements, Project 4178	50
▪ Piedmont Road Bike Path/Sidewalk, Project 4214	50
▪ Alt. Alignments Study, Pedestrian-Bike Overcrossing, Proj. 4213	50
▪ Oakcreek Pump Station Engine Replacement, Project 8140	50
▪ Water System Air Relief Valve Modifications, Project 7086	50
▪ Sewer Deficiency and Structural Corrections, Project 6073	50
▪ S. Milpitas Boulevard Water Main Replacement, Project 7098	50

■ ■ GSS CONSULTING ■ ■

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EXHIBIT AM-1-B

2004 SCHEDULE OF CHARGES FOR  
CONSULTING SERVICES

Consulting Fees	Hourly Rate
Principal	\$95.00
Senior Project Manager	\$87.00
Grant Administration/Project Manager	\$80.00
Technical Assistant III	\$75.00
Technical Assistant II	\$70.00
Technical Assistant I	\$65.00
Technical Aide	\$60.00
Administrative Assistant	\$55.00
Reimbursable Expenses	Rate
Travel Expenses	
Rental vehicle expense, commercial carrier fares, meals, lodging, other travel expense	1.10 x Cost
Mileage – outside local area	0.365 per mile
Other Direct Expenses	
Copies of plans and documents, delivery fees, photographic reproduction, long-distance calls, photography, equipment rental, other direct project expenses	1.10 x Cost
Subconsultant services CAD Technician - \$75.00/hour x 1.10	1.10 x Cost
Fees for Office Equipment Use	
Fax transmit/receive	1.50 per page
Photocopies	0.15 per page

Invoices for consulting services shall be issued monthly for payment within 30 days of receipt. Late fees will be assessed at 1-1/2% per month on unpaid balances after 30 days.

**EXHIBIT AM-1-C  
FEE PROPOSAL  
(BY PROJECT)**

Project Name: City of Milpitas, Consulting Services

Proposal Number: 03-101

Date: December 22, 2003

**Staff Time Estimates**

Task	Personnel Hours by Task							Subtask Cost
	Sr. Project Mgr., G. Seeds				Technical Support, D. Pilori	Admin. Support	CAD Technician	
1. Library Right-of-Way, Proj. 8154	175				50	10		\$ 19,025.00
2. Library Utilities and Mapping, Proj. 8153	175				50	10		\$ 19,025.00
3. Main Sewage Pump Station Site Imps., Proj. 6079	175				50	10		\$ 19,025.00
4. Milpitas Sports Center, Proj. 8149	90				50	10		\$ 11,630.00
5. Great Mall Parkway Landscaping, Proj. 4133	50				50	5		\$ 7,875.00
6. Berryessa Creek Trail, Reach 3, Proj. 5074	60				0	0		\$ 5,220.00
7. Coyote Creek Trail, Reach 1, Proj. 4206	100				0	0		\$ 8,700.00
8. Hillside Water System Improvements, Proj. 7083	0				50	5		\$ 3,525.00
9. Pavement Improvement Program, overlay, Proj. 4182	0				50	5		\$ 3,525.00
10. Hwy. 237/880 Interchange, Proj. 4170	0				50	5		\$ 3,525.00
11. Dixon Landing Road/I-880 Interchnage, Proj. 4047	0				50	5		\$ 3,525.00
12. Singley Area Street Rehab. Phase 3, Proj. 4200	0				50	5		\$ 3,525.00
13. Abel St. Road Improvements, Proj. 4221	0				50	5		\$ 3,525.00
14. Calaveras RR Overpass Landscape, Proj. 4202	0				50	0		\$ 3,250.00
15. Great Mall/I-880 Capacity Improvements, Proj. 4178	0				50	5		\$ 3,525.00
16. Piedmont Rd. Bike Path/Sidewalk, Proj. 4214	0				50	5		\$ 3,525.00
17. Alt. Align. Study, Ped.-Bike Overcrossing, Proj. 4213	0				50	0		\$ 3,250.00
18. Oakcreek Pump Station Engine Replace., Proj. 8140	0				50	5		\$ 3,525.00
19. Water System Air Relief Valve Mods., Proj. 7086	0				50	5		\$ 3,525.00
20. Sewer Deficiency & Struct. Corrections, Proj. 6073	0				50	5		\$ 3,525.00
21. S. Milpitas Blvd. Water Main Replace., Proj. 7098	0				50	5		\$ 3,525.00
								\$ -
<b>Totals</b>	<b>825</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>950</b>	<b>105</b>	<b>0</b>	<b>\$ 139,300.00</b>